

EXHIBIT 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 3:17-cv-00939-WHA

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF ANTHONY LEVANDOWSKI

SAN FRANCISCO, CALIFORNIA

TUESDAY, AUGUST 22, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2684906

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1 my counsel, I respectfully decline to answer, and I 18:04
2 assert the rights guaranteed to me under the Fifth 18:04
3 Amendment to the Constitution of the United States. 18:04

4 MS. DUNN: Q. Mr. Levandowski, if you told 18:04
5 the truth about what you did, that would make clear 18:04
6 that your downloading while at Google had nothing to 18:04
7 do with Uber; correct? 18:04

8 MR. PERLSON: Objection; form. 18:04

9 THE WITNESS: On the advice and direction of 18:04
10 my counsel, I respectfully decline to answer, and I 18:04
11 assert the rights guaranteed to me under the Fifth 18:04
12 Amendment to the Constitution of the United States. 18:04

13 MS. DUNN: Q. But you would not cooperate 18:04
14 with Uber's investigation in this case; right? 18:04

15 MR. EHRLICH: Object to form. 18:04

16 MR. PERLSON: Objection. I think I asked 18:04
17 that question and got an instruction from earlier, but 18:04
18 maybe I'm misremembering. Go ahead and ask that 18:04
19 question. 18:04

20 But you ask him that -- if you ask him that 18:04
21 question, everything involved in terms of your -- of 18:05
22 his involvement in the investigation you've waived, 18:05
23 because you're -- you are now -- by asking that 18:05
24 question, you are now eliciting the same information 18:05
25 that you've been not allowing us to go into for weeks 18:05

1 and weeks. But go ahead. 18:05

2 MS. DUNN: David -- 18:05

3 MR. RADKE: I'll go ahead and instruct not to 18:05

4 answer to the extent that this would involve 18:05

5 communication protected by the common interest 18:05

6 privilege. 18:05

7 MS. DUNN: That's fine. 18:05

8 MR. EHRLICH: And I would join into that 18:05

9 instruction. 18:05

10 But, to the extent you can answer the 18:05

11 question without reference to communications with any 18:05

12 counsel, or common interest protected discussions, you 18:05

13 can give your answer. 18:05

14 THE WITNESS: On the advice and direction of 18:05

15 my counsel, I respectfully decline to answer, and I 18:05

16 assert the rights guaranteed to me under the 18:05

17 Fifth Amendment to the Constitution of the United 18:05

18 States. 18:05

19 MS. DUNN: I want to put one thing on the 18:06

20 record, which is, David, I don't -- I don't think I 18:06

21 instructed on this question, first of all. 18:06

22 And second of all, in the letter terminating 18:06

23 Mr. Levandowski, it explains that he did not cooperate 18:06

24 with Uber's investigation in this case. 18:06

25 And I think that that is just one 18:06

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1 the... 18:37

2 I'm going to instruct the witness not to 18:37

3 answer to the extent to which the -- it would call for 18:37

4 privileged communications. 18:37

5 To the extent it doesn't, of course, as 18:37

6 always, he's free to answer. 18:37

7 THE WITNESS: On the advice and direction of 18:37

8 my counsel, I respectfully decline to answer, and I 18:37

9 assert the rights guaranteed to me under the Fifth 18:37

10 Amendment to the Constitution of the United States. 18:38

11 MR. PERLSON: Q. Tell me everything that 18:38

12 you've done to cooperate with Uber's investigation in 18:38

13 relation to this litigation. 18:38

14 A On the advice and direction of my counsel, I 18:38

15 respectfully decline to answer, and I assert the 18:38

16 rights guaranteed to me under the Fifth Amendment to 18:38

17 the Constitution of the United States. 18:38

18 Q Was there anything that Uber's lawyers asked 18:38

19 you to do in relation to Uber's investigation, in 18:38

20 relation to this litigation, that you actually did? 18:38

21 A On the advice and direction of my counsel, I 18:38

22 respectfully decline to answer, and I assert the 18:38

23 rights guaranteed to me under the Fifth Amendment to 18:38

24 the Constitution of the United States. 18:38

25 Q Was -- what specifically did you tell Uber 18:38

1 you would not do in relation to Uber's investigation 18:38
2 in relation to this litigation? 18:39
3 A On -- 18:39
4 MR. EHRLICH: I'm going to object here, 18:39
5 again, based on the common interest privilege. 18:39
6 So, I'm going to instruct you not to give an 18:39
7 answer relating to any communications to Uber counsel 18:39
8 in connection with the litigation. 18:39
9 MR. RADKE: Otto Trucking joins the 18:39
10 instruction. 18:39
11 MR. EHRLICH: But outside of that, to the 18:39
12 extent they're not privileged communications, you can 18:39
13 answer. 18:39
14 MS. DUNN: Yeah, and I also will instruct to 18:39
15 the extent that they're privileged communications, to 18:39
16 not reveal the content. 18:39
17 But, to the extent that there are 18:39
18 non-privileged communications, the witness is free to 18:39
19 answer. 18:39
20 MR. PERLSON: Well, what's the line there? 18:39
21 MS. DUNN: It's not what this -- I mean, I -- 18:39
22 my instruction is proper. 18:39
23 MR. PERLSON: Are there -- well, let me ask 18:39
24 you this: Are there any conversations that occurred 18:39
25 with lawyers that wouldn't be privileged that he could 18:39

1 answer the question about that wouldn't be subject to 18:39
2 that instruction? 18:39
3 MS. DUNN: I -- David, your questions should 18:39
4 be to the witness. 18:39
5 MR. PERLSON: Well, I don't think it's 18:39
6 possible for him to comply with the -- the scope of it 18:40
7 the way that you've framed it. 18:40
8 MS. DUNN: I think that's -- 18:40
9 MR. PERLSON: Perhaps you should talk with 18:40
10 him about it. 18:40
11 MS. DUNN: I think I've -- I have made my 18:40
12 instruction. His -- 18:40
13 MR. PERLSON: Are there -- 18:40
14 MS. DUNN: He doesn't look as confused as you 18:40
15 look. 18:40
16 MR. PERLSON: Did you have any -- well, I 18:40
17 think his job is a little easier here today than -- 18:40
18 than mine. 18:40
19 Q But the -- the -- the -- did you have any 18:40
20 communications -- okay. 18:40
21 Well, let me -- let me ask you this: Are 18:40
22 there any conversations -- well, that's -- that's what 18:40
23 I asked you, that you objected to. 18:40
24 What specifically did Uber's lawyers tell you 18:40
25 to do in relation to Uber's investigation, in relation 18:40

1 to this litigation, that you refused to do? 18:40

2 MS. DUNN: Same instruction. 18:40

3 MR. EHRLICH: I think that that squarely 18:40

4 implicates privilege. So I'm going to instruct the 18:41

5 client not to answer. 18:41

6 MR. RADKE: Otto Trucking joins. 18:41

7 MR. PERLSON: Okay. I'm done for today, 18:41

8 subject to the various privilege issues and all the 18:41

9 other discovery issues out there that have yet to be 18:41

10 resolved. 18:41

11 MS. DUNN: I have only one additional 18:41

12 question. 18:41

13 MR. PERLSON: Okay. Do you want to just ask 18:41

14 it there, or do you want to switch? 18:41

15 MS. DUNN: I can ask it from here. 18:41

16 But you should look at the camera -- 18:41

17 THE WITNESS: Okay. I'll look at the camera. 18:41

18 MS. DUNN: -- so that we don't mess you up. 18:41

19 THE WITNESS: I'll pretend that you're asking 18:41

20 the question. 18:41

21 18:41

22 FURTHER EXAMINATION 18:41

23 BY MS. DUNN: 18:41

24 Q Mr. Levandowski, do you recall that 18:41

25 Mr. Perlson asked you about the relevance of the 18:41